



Swampscott Solid Waste Advisory Committee

Plastics Regulation in Food Establishments

PUBLIC BYLAW DRAFT OVERVIEW

October 11, 2023

Overview

- ▶ The Swampscott Solid Waste Advisory Committee is proposing a new comprehensive bylaw that will regulate the usage of plastic containers and service wares used for customers in Swampscott food establishments.
- ▶ These efforts are based upon a community desire to reduce the overall burden of plastics sent to landfill & incineration while boosting the overall content of recyclable and reusable materials.
- ▶ Comparative analysis with 11 other MA communities: This proposal is a realistic attempt to balance community needs, environmental health, and business operation requirements.
- ▶ SWAC seeks public feedback from residents and the business community

History

- ▶ April 2023 proposed Town Warrant Article to ban all plastics in Food Establishments was indefinitely postponed.
- ▶ Working group was initiated by SWAC to study the subject in May 2023 and have met 3 to 4 times per month since. The group has reported back to SWAC in open session. Most recently a consensus was formed among the committee on Sept 27th.
- ▶ SWAC meetings are recorded for public view:
<http://tv.swampscottma.gov/CablecastPublicSite/show/2810?site=2>

Key Dates



Public Hearing

Public Hearing at **6PM** at
Swampscott High School
(Room B129)

Please attend

Anticipated Timeline for Bylaw Review and Vote



Close of Public Comment Period

After close of public
comment, bylaw draft with
consolidated input will be
sent to Town Counsel for
review.



Bylaw Draft

Scan QR Code to access the
draft of the bylaw and
supporting materials on the
Town's Web site.

*Read the
draft bylaw*



Written Feedback

Can't attend the public
hearing? Email written
feedback to the SWAC Chair
at swac1@swampscottma.gov

Write us



SWAC Meeting

Meeting to approve
consolidated draft with public
inputs and recommend
Select Board action for Town
Meeting warrant. It will be
sent to Town Counsel for final
review.



Select Board Meeting

Select Board votes at yet to
be determined meeting on
SWAC recommendation to
include in Town Meeting
warrant.

Note: Earliest is Nov 15 or later SB Meeting.



Town Meeting

Town Meeting will vote on new
bylaw (if SB voted in favor to
include in warrant).

If Town Meeting votes in favor,
it will take several months for
the bylaw to go into effect.

Differences from Bylaw Proposed in April

- ▶ Narrower business/food establishment definition - must prepare food
- ▶ More extensive listing of what constitutes food service ware and accessories
- ▶ More specificity around kinds of plastics prohibited or regulated
- ▶ More specificity around materials that can be used (compostable, recyclable, reusable)
- ▶ "Skip the Stuff" provisions
- ▶ Requires that food establishments that serve prepared food for eating in provide recycling of any single use service ware for customers and engage the services of a provider of recycling services
- ▶ Provision for BOH to give exemptions
- ▶ Does not regulate straw (already a bylaw)

Food & Beverage Plastics Bylaw

GENERAL PROHIBITION & REGULATION (SECTION III)

- ▶ Food Establishments that offer single use containers for takeout, leftovers, delivery, or other means for which the food or beverage will be consumed off premises, shall provide a container constructed of materials as regulated in Section V.
- ▶ Applies only to prepared foods, not pre-packaged foods sold by groceries or convenience stores.
- ▶ Food Establishments must offer a recycling option if they serve with single use containers for **on-premises consumption**.

Food & Beverage Plastics Bylaw

GENERAL PROHIBITION & REGULATION (SECTION III)

- ▶ Food establishments that offer single use utensils and single use condiment packets shall only provide such items upon request by customers or at a self-serve station.
Also known as “SKIP THAT STUFF” which has been adopted in other communities
- ▶ Based upon a national trend and MA House Bill #766 (Filed Jan 2023) with slight differentiation to stay focused on single use plastics.



Food & Beverage Plastics Bylaw

DEFINING FOOD ESTABLISHMENT

- ▶ For purposes of this bylaw, a Food Establishment is an entity that prepares and provides food (“prepared food”) or beverages for consumption either in its facility or for take-out to consume elsewhere.
- ▶ A Food Establishment is an operation defined per 105 CMR 590.001 (State Sanitary Code; Minimum Standards for Food Establishments).

We are seeking additional public input on this definition for clarity to include catering, food trucks, pop-up stands, Swampscott school system, food served at event halls and/or religious institutions, etc.

Food & Beverage Plastics Bylaw EXEMPTIONS

(SECTION IV)

- ▶ Speaking with other towns, they have spent more time providing exemptions than enforcing their new regulation.
- ▶ Suggesting the Board of Health would have such authority to provide such exemptions to a **particular business**. There is further detail provided about for how long such an exemption would last.
- ▶ Undue hardship: Definitions between towns vary. We leave it up to the BOH.
- ▶ Pharmaceutical containers and other circumstances or situations unique to the food or retail establishment such that compliance with the requirements of this section would deprive a person of a legally protected right

Food & Beverage Plastics Bylaw

Prohibited Single Use Container Materials

(SECTION V)

1. **Polystyrene** or expanded polystyrene “styrofoam”
2. **PVC** Polyvinyl Chloride
3. **LDPE** Low Density Polyethylene
4. Any plastic material in the color black.
5. Any plastic labeled as #7, “Other”, or generally not accepted for curbside recycling in the Commonwealth of Massachusetts.
6. Containers intentionally adding the PFAS family of fluorinated “forever chemicals”.

Food & Beverage Plastics Bylaw

Prohibited Single Use Container Materials

(SECTION V)

PET/PETE Restrictions:

- a. Shall not be used for any food or beverage served hot.
- b. Shall not be manufactured from any post-consumer recycled PET plastic.

EXEMPT: Thin film transparent plastic “wrap” are allowed to be used to seal food, beverages, or the containers that carry them.

* Proposed. Supporting documentation to be provided.

Food & Beverage Plastics Bylaw

Compostable Single Use Container Materials

(SECTION V)

Any container that is labeled as Compostable must have one of the following certifications clearly marked on the container to assure that the material has been tested for compostability and specific contaminant limitations.

1. “BPI” Biodegradable Products Institute
2. “TUV” / “OK Compost Industrial” - European designation
3. “CMA” Compost Manufacturing Alliance

These are the requirements from Black Earth for their acceptance of food packaging. All certs test for PFAS to assure this chemical does not leach directly into the food supply by the way of compost.

Food & Beverage Plastics Bylaw

Consumer Advisory (SECTION VI)

If a Food and Beverage establishment offers single use plastic containers for takeout or delivery, the establishment shall display the following written statement:

► “Per guidance of the Swampscott Board of Health, to avoid the possible transfer of chemicals from plastic containers at cooking temperatures, it is not recommended to re-heat food while in direct contact with plastic containers.”

This verbiage can be placed on the website ordering page, on the menu, the final bill, a sticker attached to the container, or any other reasonable place as deemed by the director of public health.

Food & Beverage Plastics Bylaw

Materials Temporary Exemptions

(SECTION V)

As materials technology, recycling processes, recycling vendors, states of emergency, and state and federal regulation can change from time to time, the Board of Health is authorized to:

1. Modify, add, or remove specific regulated materials to this section
2. Add or remove certification organizations and standards.

This authority shall be temporary and last no longer than 9 months. Any conflicts with regard to state law or regulatory agencies shall defer to the authority of the more restrictive regulation.

Questions, Feedback, Next Steps

Your input is crucial to the success of this program.

PUBLIC FORUM on OCTOBER 25th 6:00pm

Swampscott High School Room B129. We will also stream virtually.

Written feedback can be provided to the SWAC Chair

swac1@swampscottma.gov.

If you wish a call back please leave your contact information and a SWAC member will follow up asap.

THANK YOU!!